



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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April 17, 2015

Bob Corbett
Williamsburg Group
5485 Harpers Farm Road #200
Columbia, MD 21044

RE: WP-15-029, Doves Fly (SP-14-004)

Dear Mr. Corbett:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

On April 16, 2015, the Planning Director **approved** your request to waive **Section 16.1205(a)(7)** to allow removal of up to 2 specimen trees or trees 30" in diameter or larger, which is an on-site forest retention priority.

Approval is subject to the following conditions:

1. Removal of specimen tree ST#7 will require mitigation with the planting of two (2) new native shade trees, preferably of the same species (*Quercus velutina* or similar). Surety of these shade trees shall be incorporated into the landscape surety with as part of the Final Plan.
2. If AA-15-002 is approved, the developer shall make every effort to preserve ST#9. The developer is further encouraged to investigate any possible additional safeguards to limit the impacts to ST#9.
3. If specimen tree ST#9 is removed, or if the tree is lost due to construction impacts prior to the final release of surety for forest conservation, mitigation planting of two additional (2) new native shade trees, preferably of the same species (*Quercus rubra* or similar), will be required. The mitigation may be completed with the final construction drawings, or may be deferred to determine if mitigation is needed, at which time a redline revision to the forest and landscape plans may be completed.
4. Please add a prominent note to the preliminary and final forest conservation plan near the retention and planting requirements that reports on all initial 2-year maintenance inspections and final forest conservation inspections must note the existence and condition of specimen tree ST#9. Loss of the tree without mitigation per Condition #2 would delay the release of the forest conservation surety.
5. Be advised that this waiver petition is only for the 2 specimen trees noted on the plan, ST#7 and ST#9. All approval preliminary and final conservation plans must have the specimen tree table corrected to note that ST#6, a 30" Chestnut Oak in good condition, will remain (see Specimen Tree Table alternative layout plan).
6. The waiver petition number, the sections being waived, and the date and conditions of approval shall be added to the plat and supplemental plan as a general note. Add a reference to this note on the preliminary and final forest conservation plans.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – The site is somewhat unusually shaped and is encumbered with limited road frontage and access, as well as an unmitigated 65dBa noise line that bisects the northern portion of the site. Reasonable development of the property without impact to some of the nine specimen trees scattered throughout the site might not be possible. The developer has investigated options to reduce forest removal and specimen tree impact. These changes provide some additional forest retention and the preserve one additional specimen tree, although the possibility for long-term survival of ST#9 is not certain due to its relative proximity to the limit of disturbance and new conditions it would be exposed to.

Implementation of Alternative Proposal: An alternative site layout proposal that may limit specimen tree removal to one tree and increases overall forest retention has been submitted for review as part of an Administrative Adjustment, AA-15-002, which is likely to be approved. DLD supports the use of the alternative layout to increase forest retention and limit impacts to specimen trees located on the site. While it is noted that the alternative layout may still cause stress to ST#9, further re-alignment of the road to the south would result in a reduction of lots and may be more difficult to meet other regulatory requirements.

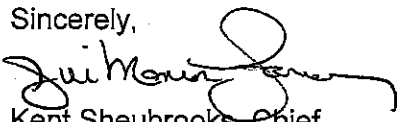
Not Detrimental to the Public Interest: The specimen trees on the subject property are various species of oak that are scattered throughout the site and range from good to poor condition. A majority of trees are planned to remain with either site layout proposal been submitted for approval. The trees scheduled to be removed are in poor condition or are showing some stress. The removal of any specimen tree will be mitigated.

Will Not Nullify the Intent or Purpose of the Regulations: The granting of this waiver will not nullify the intent of this regulation. The developer is proposing to retain a majority of the on-site specimen trees. Of 9 trees on-site, only 1 or 2 are proposed to be removed. The one tree definitely to be removed is in poor condition, and the other tree is showing some stress. In order to mitigate the impacts of the removal of either one or two trees, the applicant is required by the conditions of approval to replace these trees at a 2:1 ratio, preferably with trees of the same species.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for one year from the date of this letter or as long as this subdivision remains in active processing.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,


for Kent Sheubrooks, Chief
Division of Land Development

KS/JMF

cc: Research
DED
Real Estate Services
Sill Engineering